

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BAYOU STEEL BD HOLDINGS, L.L.C., *et al.*,¹

Debtors.

Chapter 7

Case No. 19-12153 (KBO)
(Jointly Administered)

GEORGE L. MILLER, in his capacity as
Chapter 7 Trustee for the jointly administered
bankruptcy estates of Bayou Steel BD
Holdings, L.L.C., *et al.*,

Plaintiff,

v.

BLACK DIAMOND CAPITAL
MANAGEMENT, L.L.C., *et al.*,

Defendants.

Adv. No. 21-51013 (KBO)

STIPULATION CONCERNING SCHEDULING

Plaintiff George L. Miller, Chapter 7 Trustee (“Plaintiff” or the “Trustee”) for the jointly administered Chapter 7 bankruptcy estates of Bayou Steel BD Holdings, L.L.C., BD Bayou Steel Investment, LLC, and BD LaPlace, LLC (collectively, “Debtors”); and Defendants Black Diamond Capital Management, L.L.C., BDCM Opportunity Fund IV, L.P., Black Diamond Commercial Finance, L.L.C., Sam Farahnak, Phil Raygorodetsky, Rob Archambault, Terry Taft, and Bob Unfried (individually, a “Defendant,” collectively, the “Defendants” and, together with

¹ The Debtors in these chapter 7 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Bayou Steel BD Holdings, L.L.C. (1984), BD Bayou Steel Investment, LLC (1222), and BD LaPlace, LLC (5783).

the Plaintiff, the “Parties”), through their respective counsel, enter into this *Stipulation Concerning Scheduling* (the “Stipulation”) and hereby stipulate and agree as follows:

WHEREAS, on August 11, 2021, the Trustee filed the Complaint [Adv. D.I. 1];

WHEREAS, on November 22, 2021, Defendants filed Motions to Dismiss the claims set forth in the Complaint [Adv. D.I. 25, 27]; and

WHEREAS, on August 3, 2022, the Court issued the Memorandum Opinion and Order Granting in Part and Denying in Part Defendants’ Motions to Dismiss the Complaint [Adv. D.I. 56, 57], which, *inter alia*, granted the Trustee leave to amend certain of the dismissed claims.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Trustee and each Defendant, as follows:

1. The Trustee intends to file an Amended Complaint and he shall do so on or before September 2, 2022.
2. Defendants’ deadline to respond to the Amended Complaint shall be stayed while the parties engage in settlement discussions.
3. Should the Parties’ settlement discussions prove unsuccessful, any of the Parties may file a notice (the “Notice”) with the Court advising of same, in which event the following schedule shall govern further pleading/briefing:
 - a. Defendants will file their response to the Amended Complaint within 30 days of the filing of the Notice; and
 - b. If Defendants file a motion to dismiss the Amended Complaint, the Trustee shall have 30 days to respond, and Defendants shall have 15 days thereafter to file a reply brief.

4. This Stipulation is without prejudice to further requests for extensions of the foregoing deadlines in accordance with the Local Rules of Bankruptcy Practice and Procedure in the United States Bankruptcy Court for the District of Delaware.

Dated: August 17, 2022

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